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Crl.OP.No.18618 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.OP.No.18618 of 2024

D.Sivaram Kumar

... Petitioner

Vs.

Althap Hamed,
Proprietor, M/s.Media Times,
No.7, Pasumarthy Street,
Rangarajapuram,Kodambakkam,
Chennai-600 024.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C, to extend the time for petitioner granted in order dated 03.04.2024 made in Crl.MP.No.10389 of 2024 in Crl.A.No.254 of 2024 on the file of the Hon'ble Principal District Sessions Judge, Chennai and to comply the same.

For Petitioner : Mr.NA.Malai Saravanan

For Respondent : Mr.S.Udaya Kumar
Government Advocate (Crl. Side)

ORDER

The petitioner herein is a convict in STC.No.4338 of 2022, judgment dated 11.03.2024. When he sought for suspension of sentence



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pending appeal before the lower Appellate Court, the same was ordered on 03.04.2024 on condition to deposit 20% of the cheque amount i.e, Rs.4,50,000/- within a period of 60 days from the date of order. The petitioner on 10.06.2024, presented the demand draft for Rs.4,50,000/- before the trial Court in compliance of the conditional order imposed by the lower Appellate Court. The trial Judge has returned the condonation application. Hence, the petitioner is before this Court.

2. The learned Counsel appearing for the petitioner submits that due to code of conduct imposed during the election period, the petitioner is unable to mobilize the money and therefore, there was a delay of eight days in drawing demand draft for Rs.4,50,000/-. Explaining the delay, the demand draft was presented before the trial Court. However, the same was not considered. He further submits that the petitioner is ready to deposit the demand draft dated 10.06.2024 for Rs.4,50,000/- and seeks necessary order permitting him to deposit the demand draft in compliance with the order passed by the lower Appellate Court in Crl.MP.No.10389 of 2024 in Crl.Appeal No.254 of 2024.



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3. This Court on perusing the petition find that the delay of 8 days

in complying the condition appears to be genuine and not wilful.

Therefore, it is necessary to condone the delay to enable the petitioner herein to enjoy the order of suspension of sentence. Therefore, this Criminal Original Petition is allowed and the trial Court is directed to receive the demand draft vide No.761644 drawn on 10.06.2024 and record the compliance of the suspension of sentence imposed by the lower Appellate Court.

4. With the above direction, this Criminal Original Petition is disposed of.

02.08.2024

Vv

To

The Principal District Sessions Judge,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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